

Summons in a Civil Action (Rev 11/97)

# United States District Court

FILED

SOUTHERN DISTRICT OF CALIFORNIA 2008 JAN 22 AM 10: 58

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Michael T Fox

vs

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES ATTORNEYS OFFICE  
UNITED STATES JUSTICE DEPARTMENT

SUMMONS IN A CIVIL ACTION

Case No.

07 CV 2388 DMS POR

TO: (Name and Address of Defendant)

United States Attorneys office  
880 Front Street  
San Diego CA

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Plaintiff Michael T. Fox  
General Delivery  
San Diego CA 92138

Waiting on  
Judge to  
Appoint Counsel

An answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

ARVAUN EVICTORIA

DATE

By

, Deputy Clerk

Summons in a Civil Action

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| RETURN OF SERVICE  |  |   |                     |
|--|--|---|---------------------|
| Service of the Summons and Complaint was made by me:   |  | DATE <u>12/28/07</u> @ <u>10:00 AM</u>            |                     |
| NAME OF SERVER <u>GREG MAY</u>   |  | TITLE <u>PROCESS SERVER</u>                       |                     |
| Check one box below to indicate appropriate method of service  |  |   |                     |
| <input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>U.S. ATTORNEY'S OFFICE</u><br><u>880 FRONT STREET, RM.</u><br><u>SAN DIEGO, CA 92101</u>  |  |   |                     |
| Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:   |  |   |                     |
| Name of person with whom the summons and complaint were left: _____  |  |   |                     |
| <input type="checkbox"/> Return unexecuted:  |  |   |                     |
| <input checked="" type="checkbox"/> Other (specify): <u>PERSON SERVED RALPH PAGE</u><br><u>GUARD</u>   |  |   |                     |
| STATEMENT OF SERVICE FEES  |  |   |                     |
| TRAVEL   |  | SERVICES  | TOTAL <u>\$0.00</u> |
| DECLARATION OF SERVER<br>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.  |  |   |                     |
| Executed on: <u>12/28/07</u>   |  | Date<br><u>[Signature]</u><br>Signature of Server |                     |
| <u>PO BOX 15712 SAN DIEGO, CA 92175</u><br>Address of Server   |  |   |                     |
| <b>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</b><br>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.<br>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.<br>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE. |  |   |                     |

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure